

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
APRIL 8, 2003, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairperson, led the Pledge of Allegiance.

Jerry Grantner, Chairperson, called the Regular Meeting to order at 6:00 P.M.

MEMBERS PRESENT: Bement, Bertram, Grantner, Hohloch, Perez, Walls, White and Young.

MEMBERS ABSENT: Mayor Charles Smiley.

OTHERS PRESENT: T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

A. APPROVAL AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING:

Moved by Young, seconded by Bertram to approve the minutes of the Regular Meeting of March 11, 2003 at 6:00 P.M., as printed. Motion carried 8-0.

B. SCHEDULE PUBLIC HEARING FOR MAY 13, 2003 AT 6:00 P.M.:

1. ZC #277

BY: Randy Haney
1453 N. Elms Rd.
Flint, MI 48532

RE: Parcel #59-32-300-007
Northwest corner of Saginaw and Maple
Being 22 acres +/-
Zoned C-2 to RM and M-1

FOR: Multi-Family Duplex's & Self Storage

Moved by Young, seconded by Perez to schedule Zoning Case #277 for a public hearing for May 13, 2003 at 6:00 P.M. Motion carried 8-0.

C. PUBLIC HEARING POSTPONED FROM MARCH 11, 2003:

1. LS #03-04

BY: Jack & Linda Herriman
2324 Meadowcroft
Burton, MI 48519

RE: Parcel #59-22-400-001
Section 22
Zoned R-1B

FOR: Residential Use.

Phil Holmes, 6150 Greenbank Dr., Grand Blanc, said he was representing Mr. and Mrs. Herriman. We started with 6 acres and have split two one-acre parcels off. All of the paper work has been submitted.

Audience Participation:

Carol Cody, 2324 Meadowcroft, Burton, MI, said she wanted to clarify that there were 8 acres, not 6 acres as was stated.

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Robin Spodney, 4363 Pine Creek, Burton, MI, said she owns the lot in the front of the property in question. There is a swampy area and all the water drains in front of her home. She has concerns with what will be done with the water if two homes are built.

Mr. Strasser said Jack and Linda Herriman are presently out of state and Mr. Holmes is their agent representing the case. He referred to the diagram of Pine Creek Drive, which is a public street, and said the property abuts that drive. Splitting the centerline of the street two parcels of land would be allowed. The request meets all of the criteria of the zoning ordinance and the lots exceed the square footage that is required. Sanitary sewer is available and would be at the homeowners expense to hook up and supply the necessary feed lines. In regards to standing water, this issue would have to be taken care of when a driveway is put in. Nothing can be done about it at this time. DPW recommends approval of the lot split.

Mr. Young asked if the balance of the land was landlocked.

Mr. Strasser replied no, there is access from Chicory.

Mr. Bertram asked what the frontage would be on parcel 2.

Mr. Strasser said the frontage would exceed 33 feet on the public roadway.

Mr. Perez confirmed that the Herriman's owned the full 8 acres and asked if they would own the remaining 5 plus acres?

Mr. Holmes said the 5 plus acres have been sold. The Herriman's would own the two one-acre lots.

Moved by Bertram, seconded by Hohloch to approve Lot Split #03-04 contingent upon DPW recommendations. Motion carried 8-0.

D. PUBLIC HEARINGS:

1. LS #02-58

BY: EV Real Estate
3385 S. Center Rd.
Burton, MI 48519

RE: 3385 S. Center Rd.
Lot 9 & Part of Lots 8 & 10 of Schram Acres
Section 27, Zoned C-2

FOR: Office/Commercial

Mark Engelman, 3385 S. Center Rd., Burton, MI, explained that recently he went before the Zoning Board of Appeals so the private road, which was built off of Center Road, could have access to the property in the back. We are asking to divide the property for possible office or commercial use.

There was no one in the audience who wished to speak concerning this lot split.

Mr. Strasser said the property is zoned commercial and is set up identical to a condominium with a private roadway coming in, which is paved. The question is will you allow the split off the public roadway, which has no public road frontage. The only access to it is the private drive. After reviewing the request, DPW has no problem with it and recommends approval.

Moved by Young, seconded by White to approve Lot Split #02-58 contingent upon DPW recommendation. Motion carried 8-0.

2. LS #03-12

BY: Corey & Joey Sheroski
4221 E. Maple
Burton, MI 48519

RE: Parcel #59-34-300-055
Section 34

FOR: Residential Use.

Joey Sheroski, 4221 E. Maple Rd., Grand Blanc, MI, said they are splitting six acres to give back to her grandmother.

Audience Participation:

Joyce Horn, 4231E. Maple Rd., Grand Blanc, MI, said she is here to inquire why the lot split is being done.

Mr. Strasser said the property far exceeds what is required by the zoning ordinance. DPW recommends approval.

Mr. Bertram asked if the whole corner of Howe and Maple would be split.

Joey Sheroski replied yes, it is the whole corner. She said her house originally had 10 acres and was the parent parcel. She gave a brief history of the property being split. She said there is about 6.9 acres on the corner of Howe and Maple that would go back to her grandmother.

Moved by Bement, seconded by Walls to approve Lot Split #03-12 contingent upon DPW recommendations. Motion carried 8-0.

Mr. Young asked to be excused from the panel as he was representing the request by Atherton Community Schools.

3. P-03-03

BY: Atherton Community Schools
3354 S. Genesee Rd.
Burton, MI 48519

RE: ½ R.O.W. to be abandoned/said portion of
Etzel St. The entire ½ R.O.W. of Etzel St. being at
the west end of Eastgate #3 Subdivision, situated at
the west Terminus of Sitka St.

FOR: Residential Use.

Bill Young, 1061 Arapaho Dr., Burton, MI, said he is the Interim Superintendent of Atherton Schools. He said Atherton Schools owns the property consisting of Lots 56 and 59 with 30-feet on the west side. They would like to have these lots abandoned because to they can sell four equal sized lots for housing purposes.

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Mr. Young said it has been suggested that Sitka Street be allowed to go all the way through to the end of that property, leaving a gap, or Sitka were to empty out into lot 100-7, it might solve some problems that people experience getting to lot 100-7.

Chester Glomson, 5250 E. Atherton Rd., said his property abuts the west side of Etzel Street. He opposes the vacating because it limits his ability to develop his property in the future. He presented a drawing of his proposal and explained it to the Board. He said if the City vacates Etzel Street, he would like to lay a claim to that property to further develop his own property.

The Board reviewed Mr. Glomson's proposal.

Mr. Strasser said the vacating is handled in the same way as a zoning case. This evening the Board has two proposals and either one is viable. The City Council will be the one to make the decision. In either case, Mr. Glomson would have access to Sitka Street. Mr. Strasser said in regards to Mr. Glomson laying claim to Etzel Street, he doesn't know how that could be worked out. The portion of Etzel Street that was removed, because the 30-feet of right-of-way that is still existing, was removed from Eastgate #3 and not taken off land that he owns. It is not part of his property. Your recommendation this evening will go to the City Council for final determination.

Mr. Bertram asked when a street is vacated like this, don't they split it down the middle and each property gets half?

Mr. Strasser replied yes, if it is a platted subdivision on each side of the street. In this case, it is only half of the right-of-way and was taken out of the Eastgate Subdivision. If it is vacated, by rights it would go back to the adjoining lots.

Mr. Perez asked if the recommendation should include that Sitka Street continue on to parcel 100-7?

Mr. Strasser replied yes, as this is the way Mr. Young presented the request.

Mrs. Walls asked what Atherton School wants to do with this property.

Mr. Young replied that Atherton School would like to plat the property into four different lots for houses to be put on the market and sold.

Mrs. White asked if lot 60 would increase by 30 feet. She was advised yes.

Moved by Bertram, seconded by Hohloch to recommend approval of P-03-03 to the Burton City Council. Motion carried 7-0.

4. ZC #276

BY: Ed Brenner
PO Box 190125
Burton, MI 48529

RE: Parcel #59-33-400-004
Parcel of land North of Lots 77-83 Killarney Pk #2
And Lots 99-106 Killarney Pk #3
Zoned M-1 & M-2 to R-1B

FOR: Residential Development.

Carl Ross, 9031 Meadowland, Grand Blanc, MI, said he was here to represent Ed Brenner.

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Mr. Ross said if this property is rezoned, Mr. Brenner wants to have it surveyed. There is a flood plain in there and would like to build no more than seven homes on the high ground.

Audience Participation:

Keith Johnson, 3283 Shannon Rd., said he is not opposed to the rezoning. Would there be any way of getting an easement in the backyard, such as 30 feet to 40 feet. This would give the existing homeowners privacy from the homes that would be built behind them.

Mr. Grantner said this is strictly a zoning case. The easement would have to be considered when the site plan is heard.

Mark Wolfenden, 3401 Shannon Rd., stated that his home is on the east side. His concerns is that the drain goes through Mr. Brenner's property and it drains into the Thread Creek. The Genesee County Drain Commission has opened this up in the past couple years and he has extensive flooding on his property. He said he is downstream from this property and is concerned about the watershed.

Wes Sicard, 3235 Shannon Rd., spoke concerning the flood plain area. All of the homes from lots 99 through 106 are in the flood plain. He said he has had about one foot of water in his yard and it was nearly up to his house. With the hard surface, there would be additional water going into Thread Creek.

Jerry Pettey, 3295 Shannon Rd., said he lives near where the road would be constructed. He gave a brief history of the property. The residents of the subdivision are concerned about what goes in around us. Mr. Brenner isn't concerned about the residents in the area. Sometime ago he cut trees down and left the brush, which is still there today. There are Consumer Energy lines in the flood plain. This area floods every year.

Pauline Dargel, 6119 Hugh St., inquired about the size of the lots in Killarney Park. She said she opposes the rezoning request because there is no proven need. It does not fit in with the neighborhood or the established homes that are currently there.

Les Bertram commented that the property was zoned SE when he purchased his property.

Mr. Strasser stated that this is a rezoning case and the final determination would be made by the City Council. Tentatively, the public hearing before the Council is scheduled for May 19, 2003. The parcel is currently zoned M-1 and M-2, which is light and heavy industrial. The only access is off Shannon Road, which is a local residential street. The only use that can utilize a local residential street is a single-family residential use. The gentleman is asking to have the property rezoned to R-1B, which is single family and is compatible to the adjacent zoning. All of Killarney Park is encompassed with R-1B zoning. Our future Land Use Plan, adopted in 2002, indicates open space residential for this property. Our recommendation is to rezone the property to R-1B.

Mrs. Walls asked if Mr. Brenner had a permit to cut down the trees and put in the culvert. She also asked if Mr. Brenner owns the property.

Mr. Strasser said he has a right-of-way permit for the culvert and he doesn't need a permit to cut down his own trees.

Mr. Brenner does own the property.

Mr. Bertram said the flood plain is a major issue. Also, the street that he proposes to go along is O'Heren. It is wide enough for a two-lane street? He said his concern is for safety and if there would be enough room for the emergency vehicles to get back there. He said he is not opposed to the homes being built, but is concerned about the flood plain.

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Moved by Bertram, seconded by Hohloch to deny Zoning Case #276. Motion carried 8-0.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke concerning the sidewalk issue that was discussed at the last regular meeting. She said the Zoning Ordinance addresses the fact that the Planning Commission is the one who makes the decision concerning sidewalks. This can be found on Page 48, 4(b) under Site Plan Review. She commented that the sidewalk issue should be applied to the Cross Creek Condominiums.

F. SITE PLAN REVIEW POSTPONED FROM MARCH 11, 2003:

1. SPR #03-14

BY: C.S. S. Investor's, LLC
5515 Davison Rd. #14
Burton, MI 48509

RE: Beechwood Centre
5517 Davison Road
Part of Lot 10 of Beechwood Estates
Section 2, C-1 Zoned

FOR: New Centre

Chuck Sekrennes, 5515 Davison Rd., Burton, MI, apologized for not attending the last meeting. This is Phase II, which is the final phase of the northwest corner of Belsay and Davison. This site was the one with the old Amoco and Showtime Dominoes Pizza building on it at one time. We are planning is to construct a glass style office/retail building.

Audience Participation:

There was no one in the audience who wished to speak.

Mr. Strasser said all of the plans were given to the Board at the previous meeting. All of the improvements they are proposing exceed the zoning ordinance. Sidewalks are installed and it is more of a low profile office type structure. The landscaping and facade of the building exceed the ordinance. We recommend approval of the site plan.

Mr. Young asked if there would be additional curb cuts and if there would be any problems with the Drain Commission. He asked if the Drain Commission has given their approval yet.

Mr. Strasser said there would be no additional curb cuts, only the existing ones. Also, there would be no problem with the Drain Commission. He was uncertain about the approval from the Drain Office.

Larry said the plans were submitted to the Drain Commission about six weeks ago. We haven't heard anything from them. However, we are continuing to work with them.

Mr. Young asked if the work would be started prior to getting Drain Commission approval. He was advised that the work would not start until after the Drain Commission gave their approval.

Moved by Young, seconded by White to approve Site Plan Review #03-14, contingent upon DPW recommendations. Motion carried 8-0.

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2. SPR #03-19

BY: Anthony Hanson
Cross Creek Condominiums, L.L.C.
5206 Gateway Centre, Suite 200

Flint, MI 48507

RE: Cross Creek Condominium
West side of Genesee Road, north of Court Street
Tax #59-10-400-012, Part of the SE ¼
Section 10, T7N-R7E, City of Burton

FOR: Final Site Plan and Engineering Plan Review and
Public hearing for proposed Cross Creek
Condominium, a single family residential detached
Cluster condominium development.

Michael Pifer, Kraft Engineering, 409 W. 7th St., Flint, MI, said he was representing the developers. Tony Hanson and Jim Tubbs, who are with the developers are also present this evening. We are here for final site plan review and engineering plan review. Mr. Pifer gave a brief overview of the project, noting that the site is located on the west side of Genesee Road north of Court Street and immediately north of the Gilkey Creek and the Maple Court Subdivision. The total area of the land is 48 acres excluding the Genesee Road right-of-way. Currently the land is zoned R-1A residential. The land to the north is zoned M-1; the land to the west RM and the land to the south RA. We are proposing to develop a condominium project under the cluster housing option, which exists in the ordinance under

R-1A zoning. A large portion of the 48 acres is in the wetland area. Of the 48 acres, about 24 acres would be developed. The homes would cover about 19 acres and under the open space requirement, we would only be required to provide about 15% of the total area (about 8 acres), whereas we are proposing about 60% (29 acres) of the total land area to be open space. The project would be developed in two phases, with phase I to the east, consisting of 55 units. The balance of the project would be west of that line and would consist of 41 units. The maximum density allowed by ordinance is 3.5 units per acre and we are proposing only two units per acre. We would construct paved private streets with curb and gutter. There would be a main road coming west off of Genesee Road with a boulevard

entrance and we would also have three cul-de-sac spurs off the main entry road. We would propose public storm sewers and closed storm sewers that would be constructed along the streets. They would drain into the wetland area. When that wetland area was created, it was constructed to hold storm water detention. We need to keep our water draining into these wetlands to keep our water viable. There is an existing public sanitary sewer located along Genesee Road and also along Gilkey Creek. We would propose to tie into that sanitary sewer and extend an 8-inch public sanitary sewer line along the roadways throughout the development. All homes would be connected to the sanitary sewer. There is an existing public watermain located on the west side of Genesee Road. We would tie into that and construct an 8-inch public watermain throughout the development along the roadways. We would also place hydrants at approximately 500-foot intervals. We do propose streetlights along the roadway. We plan to landscape the median island along the boulevard and will put in a guard shack for aesthetic purposes. It wouldn't be manned or gated. Along the west side of Genesee Road we plan to construct a 3-foot high earth berm with 12 to 15 foot high evergreen trees along the entire length of the greenbelt spaced at about 15-foot intervals. The dwelling units would consist of a ranch-type one-story home of about 1200 square foot with an attached garage for a total of about 1600 square feet. There is a flood plain on the site north of Gilkey Creek and it encompasses all the area west of the development.

Tony Hanson, 10513 Village Court, Grand Blanc, MI, presented pictures of the homes, guard shack and the landscaping they have done in other developments. The homes are detached condos. The entrance into the boulevard would also be landscaped and be very appealing. Mr. Hanson presented samples of the brick and roofing that would be used as well as the four colors of the siding. He asked that the project be approved.

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Mr. Bement asked what the price range would be and when they expect to have the proposed project completed.

Mr. Hanson replied that the condos would run between \$139,000 and \$145,000. They plan to build two or three homes per month and project a completion date within three years.

Audience Participation:

Dennis Posey, 1087 Genesee Rd., said he lives next to the proposed site and half of that property line I would be sharing with the subdivision. His concerns included the extra traffic for Genesee Road and the affect this would have on the school system. He strongly opposed the project.

Berkley Deal, 1094 Arrowhead Dr., commented that he abuts the Gilkey Creek. He is appalled that they are proposing this development in the middle of Gilkey Creek. He doesn't think this is a good proposal.

Ron Taylor, 1182 Genesee Rd., said he lives across the street from the proposed development and he would rather have this type of project than a factory.

Pauline Dargel, 6119 Hugh St., asked how many units there would be in the development. She was advised there would be 98 units. She inquired about how much ownership would be in place when this association becomes responsible for the different obligations. She asked if the streets would be private streets and if the cul-de-sacs would have enough radiuses so the fire trucks could maneuver.

Donna Lee, 1216 Arrowhead Dr., said her property backs up to Gilkey Creek and her neighbor's basement collapsed a couple years ago from the flooding. Water was up to her door and she has concerns about the flooding in the area.

Ed Lee, 1216 Arrowhead Dr., commented that the pond was built so the surrounding area would drain into the pond to keep the water in. When we had the snow melt last year, the water drained into the pond for three days. Also, the train tracks create a traffic backup on a daily basis. He spoke concerning the flooding that occurred two years ago and said FEMA came in and made recommendations. He is concerned about the affect this would have on the flood plain area.

Keith Meffort, 1162 N. Genesee Rd., said he has no problem with the proposal, but the traffic is very bad.

Mr. Grantner commented that currently work is being done on Davison and Belsay Road, which create more traffic for Genesee Rd.

Leo Johnson, 1084 Arrowhead Dr., said the flood plain is a major problem.

Mr. Strasser commented that the storm water detention areas would have to be approved by the Genesee County Drain Commission before any implementation of any permits being issued to the developers. He said he is uncertain whether the existing pond is large enough to hold the water run-off. This is the type of development this city needs in order to advance. He noted that in the packets he tried to answer all questions concerning the ordinance. The density is about half of what they would be allowed under normal circumstances. In regards to ownership, common element, etc, this information is included in your packets. The proposed development far exceeds the ordinance requirements.

Mr. Strasser said the project needs approval from the Drain Commission. DPW recommends approval.

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Mr. Bertram asked for an explanation of the difference between a flood plain and a wetland area.

Mr. Strasser explained that a flood plain is an area of land that has water on it when a creek or ditch overflows, or the area that is flooded. A wetland doesn't have to have water on it and is determined by the type of vegetation that is present. Many times there is a wetland area in a flood plain because it is soggy ground.

Mr. Bertram asked if a detention pond could be put in a wetland area.

Mr. Strasser replied yes, if it is allowed by the DEQ. He said this property is under strict rule by the DEQ and they have the right to allow whether it can be made bigger or deeper. It is also understood that it is a natural water basin and any storm water run off can go into it. If the DEQ won't allow them to alter the existing pond, the developers would have to put in retention or detention areas elsewhere on the property.

Further discussion continued regarding the wetland area.

Mr. Young asked if the Attorney has reviewed the project regarding the condominium. He also asked if there had been any discussion regarding a passing lane on Genesee Road at the entrance.

Mr. Strasser said the Attorney would review the documents or final draft if and when the developers get approval from this body. He said there has been no discussion concerning a passing lane, as Genesee Road is still a county roadway. Come May 1st Genesee Road will be a city road and we will handle make a determination at that time.

Mr. Young expressed his concerns regarding the fact that the County Drain Commission, County Road Commission and DEQ have not given their approvals for this project. He is especially concerned about what the DEQ will allow.

Mr. Strasser said the developers could do nothing until the approvals are received from the other agencies.

Mr. Hohloch said the DEQ is only concerned about the wetland. The Drain Commissioner is the one that would have the final word on the detention pond.

Further discussion continued.

Mr. Grantner passed the gavel to Mr. Bement and asked whether the city or the county would make assessments of the traffic once the city takes over the county roads.

Mr. Strasser replied that the city would assess the traffic when we take over the county roads.

Mrs. Walls commented that she is concerned about the traffic and would like to see a deceleration lane constructed.

Mr. Bertram asked if sidewalks would be required along Genesee Rd. He was advised no.

Mr. Hohloch asked if the Road Commission would require a standard deceleration and acceleration lane.

Mr. Pifer said that is what is being proposed now, but after May 1st we would have to defer back to the City of Burton and see what they would require.

Moved by Perez, seconded by Walls to recommend approval of Site Plan Review #03-19 contingent upon DPW recommendations. Motion carried 6-2 with Young and Bertram voting no.

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RE: Regent Broadcasting of Flint, Inc.
3338 E. Bristol Rd.
Lots 7-13 Sup. Plat #41
Section 33, M-1 Zoned

FOR: Addition/Expansion of Existing Facility.

Mark Thomas, 3338 E. Bristol Rd., said he is the Vice President and General Manager of Regent Communications. We own and operate WCRZ 108, Banana 101.5, WFNT Club 93.7, US103 and WLSP radio stations. You previously approved our temporary office space and now we have submitted plans for the building expansion that will allow us to better operate our radio stations. We added three additional stations to our physical plan to better accommodate the space needs that we have to be able to add staff to our facility. This will allow us to expand and better serve the community.

There was no one in the audience who wished to speak.

Mr. Strasser commented that this parcel is extremely unique and is totally landlocked. It has no road frontage and no public access. It actually accesses off private property. They are proposing to construct an addition on the west side of the building with added pavement on the south side, which is presently being used by vehicles. All the water runoff generated by this site drains to the east onto their property and eventually ends up in Thread Creek. There is no need for sidewalks. We recommend approval of the site plan.

Moved by Walls, seconded by Bertram to approve Site Plan Review #03-22 contingent upon DPW recommendations. Motion carried 8-0.

G. ADMINISTRATIVE SITE PLAN REVIEW(S):

1. SPR #03-17

BY: Goodwill Industries of Mid-Michigan, Inc.
501 S. Averill Ave.
Flint, MI 48506

RE: 3525 S. Saginaw St.
Lots 1 thru 9 and all that part of vacated alley
adjoining said lots on east; also lots 166 and 119
and all that part of ½ vacated alley adjoining said
lots 166 and 119.

FOR: Commercial

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2. SPR #03-20

BY: W. Q. H. of Flushing, Inc.
4277 S. Saginaw St.
Burton, MI 48529

RE: 4277 S. Saginaw St.

FOR: Change of Use.

3. SPR #03-21

BY: Tabby's Auto Shine & Auto Sales
3308 E. Atherton Rd.
Burton, MI 48529

RE: Tabby's Auto Shine & Auto Sales
3308 E. Atherton Rd.

FOR: Change of Use.

There was no discussion for the administrative site plan reviews.

H. BOARD DISCUSSION:

Mr. Grantner reminded the board of the work session scheduled for April 22, 2003 at 9:00 a.m.

Mrs. White stated she would be gone for the work session.

Mr. Grantner said Mrs. Walls, Mr. Bement, Mr. Perez and himself attended a free seminar hosted by Fenton Township. They discussed site visitations. A group from Walled Lake was present and explained how they schedule site visitations and include their Planning Commission members as well as the public. Mr. Grantner commented that this would not be a good policy in Burton.

Mrs. Walls also said that the Walled Lake Board constitutes their site visitations as a meeting and they have also done something such as this on a Saturday.

The next regularly scheduled meeting will be held on Tuesday, May 13, 2003, at 6:00 P.M.

Meeting Adjourned at 7:45 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML